

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RUSSEL E. WASHINGTON

Plaintiff,

V.

C.A. No. _____

LA MARQUE INDEPENDENT
SCHOOL DISTRICT, GALVESTON
COUNTY, ECOMET BURLEY,
ROLLIE FORD, TIMOTHY FIELDS,
CYNTHIA BELL-MALVEAUX,
EDWARD JONES, DONNA
HOLCOMB, DAVID RAC, DWIGHT
BRANNON, JOE CANTU, AND KURT
SISTRUNK

Defendants.

DEFENDANTS' NOTICE OF REMOVAL

Defendants La Marque Independent School District (“LMISD”), Ecomet Burley, Rollie Ford, Timothy Fields, Cynthia Bell-Malveaux, Edward Jones, Donna Holcomb, David Rac, Dwight Brannon, and Joe Cantu (collectively, “Defendants”) file this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441(a)-(c) and 1446(a) as follows:

Notice of Removal

1. In February 2012, Plaintiff Russel Washington filed two lawsuits: (1) a federal lawsuit in this Court against LMISD (C.A. No. 3:12-cv-00041); and (2) a state lawsuit against the twelve Defendants filing this Notice of Removal.

2. On April 23, 2012, Washington filed a Second Amended Petition in the state court action, which added for the first time a federal claim pursuant to 42 U.S.C.

Section 1983 against Defendant Galveston County and against several individual Defendants in their official capacities. Defendants received the Second Amended Petition on April 25, 2012.

3. Because Washington has asserted violations of federal law in his Second Amended Petition, Defendants remove this case on the basis of federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441(a)-(c) and 1446(a).

4. This Notice of Removal is timely filed within thirty (30) days of Defendants' receipt of Plaintiff's Second Amended Petition in accordance with 28 U.S.C. § 1446(b).

5. The following items are attached as exhibits to this Notice of Removal:

- (1) An index of items filed with the Notice of Removal;
- (2) Copies of all pleadings that assert causes of action and all answers to such pleadings;
- (3) Copies of all executed service of process in the case;
- (4) A copy of the docket sheet from the 10th Judicial District Court of Galveston County; and,
- (5) A list of counsel of record, including the addresses, telephone numbers, and parties represented by the same.

Consent to Removal

6. Defendants Galveston County and Kurt Sistrunk consent to this removal by the signature of their counsel below.

Respectfully submitted,

ROGERS, MORRIS & GROVER, L.L.P.

A handwritten signature in black ink, appearing to be 'RM' or 'R. Morris', written over a horizontal line.

RICHARD A. MORRIS

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PAUL A. LAMP

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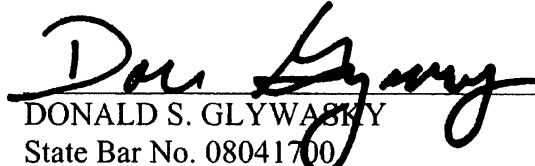
Facsimile: 713/960-6025

ATTORNEYS FOR DEFENDANTS
LA MARQUE INDEPENDENT SCHOOL
DISTRICT, ECOMET BURLEY, ROLLIE
FORD, TIMOTHY FIELDS, CYNTHIA
BELL-MALVEAUX, EDWARD JONES,
DONNA HOLCOMB, DAVID RAC,
DWIGHT BRANNON AND JOE CANTU

CONSENT TO REMOVAL

I hereby consent to this Notice of Removal on behalf of Defendants Galveston County and Kurt Sistrunk.

GALVESTON COUNTY LEGAL DEPARTMENT



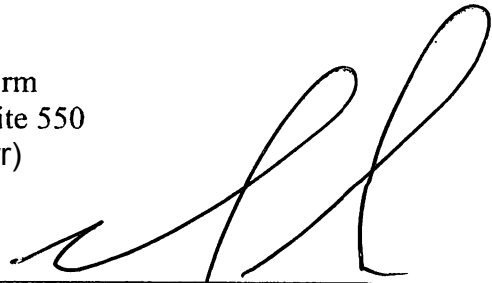
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ATTORNEY FOR GALVESTON COUNTY
AND KURT SISTRUNK

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2012, a true and correct copy of the foregoing was served on all counsel of record via ~~fax~~ ^{certified mail} and addressed as follows:

C. Chad Pinkerton
Jose Luis Orihuela
The Pinkerton Law Firm
5020 Montrose Blvd., Suite 550
(via ~~fax~~) cmrrr)



Counsel for Defendants La Marque
Independent School District, Ecomet
Burley, Rollie Ford, Timothy Fields,
Cynthia Bell-Malveaux, Edward Jones,
Donna Holcomb, David Rac, Dwight
Brannon and Joe Cantu